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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 16 1994

REPLY TO THE ATTENTION OF
HSES-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Monsanto Chemical Company
Attention: Stephen P. Krchma, Environmental Counsel
800 N. Lindbergh Blvd.
St. Louis MO 63167

RE: General Notice of Potential Liability and
Request for Information
Sauget Area 2, Site Q (formerly known as the Sauget &
Company Landfill, Sauget, Illinois)

Dear Mr. Krchma:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants from Sauget Area 2, Site Q, referenced above and detailed on the map attached to this letter, and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party.

Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

The U.S. EPA is currently planning to conduct the following actions at the above referenced Site.

1. Develop and implement a Health and Safety Plan to cover removal activities;
2. Develop and implement a sampling and analytical program designed to identify contaminated material;



3. Excavate/consolidate/overpack/stage and dispose of hazardous materials; and
4. Implement necessary backfill and erosion control measures to prevent cap erosion.

U.S. EPA has received information that your company may have owned or operated or generated or transported hazardous substances that were disposed of at the Site. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site.

As a potentially responsible party, you should notify U.S. EPA in writing within seven (7) days of receipt of this letter of your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that your organization has declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, to the above notice, U.S. EPA is seeking to obtain information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for additional response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who has or may have information relevant to any of the following to furnish U.S. EPA with such information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup.

Pursuant to CERCLA Section 104(e), you are hereby requested to submit the information requested the attachments to this letter. Please note that compliance with the enclosed Information Requests is mandatory, and the Sections entitled Instructions and Definitions are part of the Information Request and you must comply with those sections. Failure to respond fully and truthfully to each and every Information Request within twenty-one (21) calendar days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests, but also failure to respond completely and truthfully to each Request.

Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

You may request that any information provided be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2. If you request that any information provided be handled as confidential business information you must substantiate the reason(s) for that request within fourteen (14) days of submission of the information request response.

This Information Request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities, and their officers, directors, and employees. The relevant time period for this request is 1960 to the present. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:

Carol Graszer Ropski
Emergency Support Section
U.S. Environmental Protection Agency (HSE-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Please direct any questions you may have to Ms. Graszer Ropski at (312) 353-7647. If you have any legal questions, contact Deirdre Flannery Tanaka at (312) 886-6730.

Due to the seriousness of the problem at the Site and the legal ramifications if you fail to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Richard C. Karl, Chief
Emergency & Enforcement Response Branch

Enclosure

cc: Paul Takas, IEPA

bcc: Deirdre Tanaka, ORC (CM-29A)
Sam Borries, OSC (HSE-5J)
Jeff Gore, RPM (HSRL-6J)
Jose Cisneros, ESS (HSE-5J)
Carol Graszer Ropski, ESS (HSE-5J)
Toni Lesser, Public Affairs (P-19J)
Don Henne, Department of Interior
Alicia Corley, SETS (OS505)
Tony Audia, Accounting (MF-10J)
EERB Site File
EERB Read File
Oliver Warnsley, RP-CRU (HSM-5J)

Requests for Information Pursuant to Section 104(e) of CERCLA

INSTRUCTIONS

1. A separate written response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which the answer corresponds.
3. In answering each Information Request, identify all sources (both persons and documents) contacted for information and all sources contributing information used in this response.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA as that information becomes known and available. Moreover, should the Respondent find, at any time after the submission of its response, that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody, or control or in the possession, custody, or control of your former or current employees, agents, servants, contractors, or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal, or handling practices of the Respondent between 1960 and the present. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person (including position and title) who original had possession, identify the person (including position and title) to whom it was

transferred, describe the circumstances (including date) surrounding such transfer or other disposition, state the date or approximate date of such transfer or other disposition, and if the document was disposed of pursuant to and in compliance with a company records management policy provide copies of any company policies or procedures in place which authorized the destruction of records and include the dates such policy was instituted.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA, it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

10. Answers must be provided to each request. If you claim that a document is responsive to the question and you do not attach the document in response, you must list the date of the document, its content, the author and recipient and state how that document is responsive.

DEFINITIONS

For the purpose of the Instructions and Information Requests set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust, or governmental entity, unless the context indicates otherwise.
3. "The Site" or "The Facility" shall mean Sauget Area 2, Site Q, and include the entire property between the Mississippi River to the west, Illinois Central Gulf Railroad and U.S. Army Corps of Engineers levee to the east, Site R and a landscaping company

to the north, and a metal reclaiming company to the south. The Site was formerly known as the Sauget & Company Landfill.

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.

5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.

6. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control, then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer, and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, abandonment, or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutants or contaminants.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook,

bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory), including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents, and (e) every document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

INFORMATION REQUESTS

1. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

2. Did you ever use, purchase, store, treat, dispose, transport, or otherwise handle any hazardous substances or materials at or to the Site?

3. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:

- a) The persons with whom you or such other persons made such arrangements;
- b) Every date on which such arrangements took place;
- c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

- d) The owner of the waste materials or hazardous substances so accepted or transported;
- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
- f) All tests, analyses, and analytical results concerning the waste materials;
- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the waste materials or hazardous substances once they were brought to the Site;
- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
- o) The price paid for (i) transport or (ii) disposal or (iii) both, of each waste material and hazardous substance;

- p) All documents containing information responsive to a)-o) above, or in lieu of identification of all relevant documents, provide copies of all such documents; and
- q) All persons with knowledge, information, or documents responsive to a)-o) above.

4. Have you or any other person working with you or on your behalf ever accepted waste materials for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:

- a) The persons from whom you or such other persons accepted waste materials for transport to the Site;
- b) Every date on which waste materials were so accepted or transported;
- c) For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
- d) For each material, describe any warnings given to you with respect to its handling;
- e) The owner of the materials so accepted or transported;
- f) The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;
- g) All tests or analyses and analytical results concerning each material; and
- h) The price charged for transport and/or disposal per drum, barrel, container, or load (or whatever unit used) of waste materials brought to the Site.

5. Identify all liability insurance policies held by Respondent from 1955 to the present which relate to the Site. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

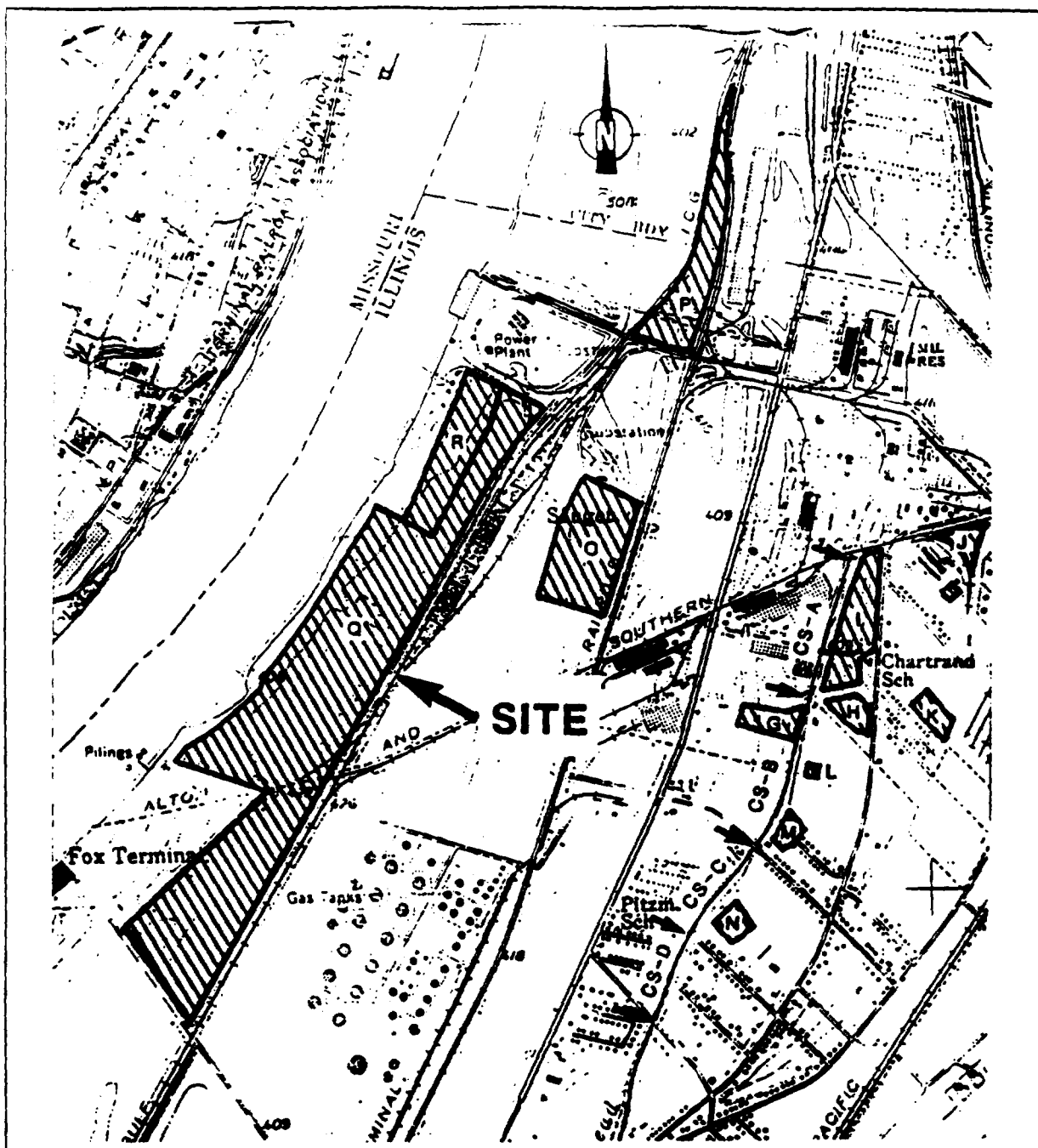
6. Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

7. Has the Respondent submitted information to other federal, state or local regulatory agencies, including but not limited to the Illinois Pollution Control Agency, Illinois Environmental Protection Agency, U.S. Department of Labor, or U.S. Department of Transportation either verbally or in writing, concerning its disposal or treatment or arrangement for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. If yes, describe what was requested, what was provided, when information was given, and to whom it was given. If written documentation was given please provide a copy of that information in your response to this request.

8. According to a letter addressed to Riverport Terminal & Fleeting Company, dated June 30, 1980, during the week of May 26, 1980, a Pillsbury contractor ruptured a barrel containing a chemical substance on the Site. This container was identified as belonging to Monsanto and copies of a Monsanto internal memorandum reflected that C.F. Buckley prepared a report which was distributed to D.T. Mayer and a copy to M. Dimmitt at the Pillsbury Co. Answer the following questions pertaining to this "incident":

- a) Completely describe the incident, including but not limited to the following: dates of the incident; time; precise location (including place and depth); the names of the bulldozer drivers and other contractor employees on site at the time the incident occurred; the number and types of containers exposed or found; the markings on the containers exposed or found; the persons and companies notified of the incident; the date and time of notification; the actions of Respondent's and other person(s) or companies in response to the incident; the date, time, and method of disposal of the containers; the date, time and results of any testing of the containers; the person(s) and companies responsible for arranging for the disposal; the person(s) and companies responsible for the actual disposal of the container(s); what legal action including any settlements, lease payment abatements or any other agreements resulting from this incident; whether any other containers were exposed during this or the completion of this project; and, when, if ever, work was resumed on the Site.
- b) On a copy of the attached map, please identify where the container was found:

- c) Please identify the contractor and all contractor and Respondent employees (including names, addresses, telephone numbers, and titles then and now) directly or indirectly involved in this incidents, including but not limited to C.F. Buckley and D.T. Mayer.
 - d) If the construction work was being done under the supervision of an engineering department or company, please identify the project engineer, including the name, telephone number, company, address, and position title, and provide copies of the overall engineering drawing for this project.
 - e) Please identify and provide copies of all communications and records of communication with all other parties, its employees, agents and representatives, or insurance companies concerning this incident, including but not limited to Paul Sauget, Sauget and Co., Pillsbury Company, and any and all owners, operators, lessees or the assigns of the property.
 - f) Please state what substances were contained in the container(s);
 - g) Describe whether Respondent has found other containers or barrels on the Site. If yes, please answer questions 7(a) through 7(f) for each incident.
9. Please identify the unions representing the following types of Monsanto employees who work within a 50 mile radius of Site Q: truck drivers; over-the-road drivers; heavy equipment operators; bulldozer operators; tanker truck operators; vacuum truck operators; and, semi-trailer drivers. For each union identified, please identify the current business agent and provide the agent's name and address.



ILLINOIS



ecology and environment, Inc.

Technical Assistance Team

Region V

111 West Jackson Blvd.

Chicago, IL 60604

TITLE SITE LOCATION MAP		FIGURE # 1
SITE SAUGUET AREA 2 - SITE Q		SCALE 1" = 2000'
CITY SAUGUET	STATE ILLINOIS	PAR EIL0837SAA